

March 17, 1975

SENATOR CAVANAUGH: I would Mr. President. I was having the Clerk distribute a quotation from Justice Brandies which I have kept on my desk for some time in anticipation of this and some other bills that are appearing before this Legislature. The quotation is, "experience should teach us to be most on our guard to protect liberty when governments purposes are beneficent. Men born to freedom are naturally allured to repel invasion of their liberty by evilminded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, wellmeaning, but without understanding". That's exactly what LB 225 is all about. It is a bill introduced by men of good meaning, but without understanding of the implications and consequences of its enactment. The implications and consequences are to destroy the confidence of the citizens and patients of this state, and the relationship that they have with their physician. To make those physicians agents of the Department of Motor Vehicles for the purposes of enforcing a Motor Vehicle standard of conduct. The responsibility for a person who seeks to drive on the roads of the State of Nebraska is a responsibility between him and the State of Nebraska. The State of Nebraska can impose any reasonable requirements they desire upon that individual seeking to acquire a license. They can require that he be of good physical condition. They can require that he prove that he is of good physical condition. Probably they should. The relationship should solely and exclusively be between the State of Nebraska and the person seeking the license. There is no justification, no matter how high minded the end goal that can support the destruction of the confidential relationship between a patient and his physician. It is simply not justifiable. This bill should be killed. If we need to address the problem of the health of individuals operating, or seeking to operate motor vehicles in the State of Nebraska, we should approach it in the proper manner, the relationship between that individual and the state. Impose any requirements you want upon him and force him to fulfill them. Certainly, you cannot support a concept that interjects the physician in a manner as insidious as this. The consequences would be, I think, just terrible. If everybody here wants to . . . I think we ought to tell the people what we're doing. When they go and see their doctor they are subject to a report to the Department of Motor Vehicles on their entire physical condition. I read last night in Time Magazine where they're having some difficulty with accident rates in Argentina. They are now requiring, and this is probably a reasonable step for Mr. Sullivan, they are requiring a psychological test before your license is granted. If you . . . if the psychologist who examines you feels that you have a too aggressive personality your license can be denied. We may move along lines like that, which I think would be of . . . there's no psychologist suitably able to diagnose such a situation as to a dangerous driver in anticipation of whether he's eligible to receive a drivers license. It's this kind of thinking that creates very bad law. This is a very bad law. I urge you, very strongly, to kill this bill.